

**IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING
DECEMBER 15-16, 2016**

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Diane Clark, Chair; Ronald Cheney, D.O., Vice Chair; Kyle Ulveling, M.D., Secretary; Diane Cortese; Nicole Gilg Gachiani, M.D.; Ronald Kolegraff, M.D.; KellyAnn Light-McGroary, M.D.; Mary Jo Romano; Hamed Tewfik, M.D.; Charles Wadle, D.O.

THURSDAY, DECEMBER 15, 2016

7:30 a.m. **EXECUTIVE COMMITTEE – Medical Conference Room B**
Chair Clark, Cheney, Cortese, Tewfik, Ulveling

8:00 a.m. **SCREENING COMMITTEE – Board Room**
Chair Wadle, Gilg Gachiani, Kolegraff, Light-McGroary, Romano

9:00 a.m. **MONITORING COMMITTEE – Board Room**
Chair Cheney, Cortese, Gilg Gachiani, Kolegraff, Wadle

LICENSURE COMMITTEE - Medical Conference Room B
Chair Tewfik, Clark, Light-McGroary, Romano, Ulveling

BOARD – OPEN SESSION - Board Room
Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano,
Tewfik, Ulveling, Wadle

- A. Chair will call the meeting to order, and ask the executive director for a roll call of Board members to establish a quorum . The chair will acknowledge the absence of any member.**
- B. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” “f” and “I” for the purposes of reviewing investigative reports and other investigative material, discussing whether to initiate licensee disciplinary investigations or proceedings, and for personnel evaluation. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.**

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Iowa Physician Health Committee's Reports of Non-compliance

1. Notices of non-compliance

B. Committee Reports

- 1. Screening**
- 2. Monitoring**
- 3. Licensure**

C. Review of Closed Minutes

1. October 27-28, 2016

D. Personnel evaluation

LUNCH BREAK

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. Unlicensed Practice of Medicine Cases

B. Vote on Closed Session Cases

BOARD - ADJOURN

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romano, Tewfik, Ulveling, Wadle

A. BOARD MUST BE IN OPEN SESSION for the Chair to call for a motion & second to adjourn the meeting and to meet at 8 a.m. Friday, December 16, 2016. Voice vote required. Those in favor say "aye," and those opposed say "no." A simple majority approves the motion.

FRIDAY, OCTOBER 28, 2016

7:30 a.m.

SUPERVISION RULES SUBCOMMITTEE

Medical Conference Room B - Chair Tewfik, Clark, Cheney, Ulveling

8:00 a.m.

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.

BOARD – CLOSED SESSION – Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Vote on closed session cases

9:00 a.m.

BOARD – OPEN SESSION – Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Chair will call the meeting to order, and ask the executive director for a roll call of Board members to establish a quorum. The chair will acknowledge the absence of any member.

B. Introductions of Public Present

C. Opportunity for Public Comments⁵

(Public can make comments now or when specific agenda items are addressed.)

D. Board Minutes for Consideration of Approval

1. October 27-28, 2016 - open and closed minutes

E. Chair’s Report

F. Executive Director’s Report

A. Administrative Rules

1. **ARC2860C - Amendments to 653 Chapter 17, “Licensure of Acupuncturists.”** This rule making was noticed by the Board on October 28, 2016, and published in the Iowa Administrative Bulletin on December 7, 2016. A public hearing on ARC2860C will be held at 11 a.m. Tuesday, December 27, 2016. Deadline for written comments is 4:30 p.m. December 27.
2. **Report to the Governor and General Assembly, pursuant to Iowa Code 272C.4(13) - Credit toward qualifications for licensure to practice an occupation or profession in this state for education,**

training, and service obtained or completed by an individual while serving honorably on federal active duty, state active duty, or national guard duty; expedited licensure for applicant who is licensed in a similar profession or occupation in another state and who is a veteran.

3. **Report on waivers or variances granted or denied, July 1-December 31, 2016**
4. Ongoing review of administrative rules.

H. Report from subcommittee working with a similar subcommittee of the Board of Psychology to write joint rules to implement legislation authorizing certain psychologists to prescribe psychotropic medicines - Charles Wadle, D.O., chair

I. ARC2832C - Update on the status of the Board of Physician Assistants to adopt an identical rule to 653 IAC 21.4 - Specific Minimum Standards for Appropriate Supervision of a Physician Assistant - Kent Nebel, Director of Legal Affairs

J. Interstate Medical Licensure Compact

1. Rules
 - a. Information Practices
 - b. Fees
2. Expedited licensure process (see PowerPoint)
3. Iowa readiness

K. 2017 legislation

1. 2017 Schedule
2. 2017 legislative leadership & committee chairs
3. Legislation

L. Judicial Review update - Julie Bussanmas, Assistant Attorney General

1. Rabi v. BOM (# 2) (challenging contested case decision) – Brief has been filed on Board’s behalf asking the court to affirm the Board’s decision. Oral argument was held on July 14, 2016. Decision issued affirming the Board’s discipline decision.
2. Rabi v. BOM (Iowa Supreme Court) – Rabi filed a notice of appeal challenging the District Court decision listed in No. 1 above. Rabi requested an extension to briefing deadline. Rabi’s brief now due January 12, 2017.
3. Risk v. BOM (challenging Board’s denial of his request for rehearing) – Supreme Court appeal challenging the district court’s order affirming Board’s order. Case has been fully briefed and we are awaiting notice of oral argument. Risk dismissed his appeal.

M. Board Member Education: Lobbying

N. Federation of State Medical Boards

1. FSMB successful in lobbying for removal of controversial provision in NDAA bill
2. Nominations for committee appointments due Dec. 30, 2016
3. Nominations for elected officials due Dec. 30, 2016
4. FSMB annual meeting April 20-22, 2017, Fort Worth

O. Iowa Physician Health Committee/Program Update - Amy Van Maanen, Program Coordinator

1. Year to date statistics
2. Committee's recommendation to reappoint Jeff Kerber, Ph.D, LMFT, to a second three-year term on the Committee. He will complete his first term on December 31, 2016.

P. Correspondence, reports & articles

1. *When physicians burn out, solutions are elusive.* Modern Healthcare, October 29, 2016.
2. *Landmark Surgeon General Report Tackles Addiction.* Medscape Medical News, November 21, 2016.
3. *Heroin antidote to be sold without prescription in Iowa.* Des Moines Register, November 29, 2016.
4. *More physicians willing to hide mistakes, survey reveals.* Medscape Daily News, December 2, 2016.

Q. Committee Reports

1. Licensure
2. Monitoring
3. Screening

BOARD – CLOSED SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.

B. Chair will call for a motion & second to meet in open session. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

LUNCH BREAK

Noon-12:30 p.m.

Online presentation on UpToDate, an evidence-based, peer reviewed information resource available via the web.

BOARD – CLOSED SESSION – Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Chair will call for a motion & second to meet in Closed Session pursuant to Iowa Code section 21.5(1) “a,” “d,” and “f” for the purposes of reviewing investigative reports and other investigative material and discussing whether to initiate licensee disciplinary investigations or proceedings. Roll call vote required. Those in favor say “aye,” and those opposed say “no.” Two-thirds of the members present must approve the motion.

B. Chair will call for a motion & second to meet in open session. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

BOARD – OPEN SESSION - Board Room

Chair Clark, Cheney, Cortese, Gilg Gachiani, Kolegraff, Light-McGroary, Romanco, Tewfik, Ulveling, Wadle

A. Vote on Closed Session Cases

BOARD ADJOURN

BOARD MUST BE IN OPEN SESSION for the Chair to call for a motion & second to adjourn the meeting of the Board of Medicine. Voice vote required. Those in favor say “aye,” and those opposed say “no.” A simple majority approves the motion.

1:30 p.m.

JOINT MEETING OF SUBCOMMITTEES OF THE BOARDS OF MEDICINE AND PHYSICIAN ASSISTANTS - Board Room

Board of Medicine - Chair Tewfik, Cheney, Clark Ulveling

Board of Physician Assistants - Chair Koehler, Ahrendsen, Gentry, Schnurr

PUBLIC TELECONFERENCE PHONE NUMBER: (866) 685-1580

ACCESS CODE: 9719134151

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2015 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (c), (d), (f) and (g) of the 2015 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2015.

(3) Public agenda materials are available via e-mail. Contact: ibm@iowa.gov

(4) The Board may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

The next scheduled Board meeting is:

- **January 19, 2017 (teleconference, 7:30 a.m.)**
- **February 16-17, 2017, Board Room**

The Board's office will be closed:

- **Monday, December 26 (Christmas observed)**
- **Monday, January 2 (New Year's Day observed)**

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.